

Clear Form

AO 440 (Rev. 03/08) Civil Summons (capd 6/08)

UNITED STATES DISTRICT COURT

for the

NORTHERN DISTRICT OF CALIFORNIA

Patrick Kellett, et al.,

Plaintiff

v.

Pfizer, Inc., Pharmacia Corporation and  
G.D. Searle, LLC

Defendant

Civil Action No.

CV 08

3668

CRB

Summons in a Civil Action

To: Pfizer, Inc.

(Defendant's name)

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date:

**FILE** 3

Richard W. Wieking

Name of clerk of court

**ANNA SPRINKLES**

Deputy clerk's signature

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

WAGSTAFF & CARTMELL LLP  
 4740 GRAND AVENUE, SUITE 300  
 KANSAS CITY, MO 64112  
 (816) 701-1100

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

KELLETT

Plaintiff(s)

v.

PFIZER

Defendant(s)

CASE NUMBER:  
 CV083668CRB

PROOF OF SERVICE  
 SUMMONS AND COMPLAINT

(Use separate proof of service for each person/party served)

1. At the time of service I was at least 18 years of age and not a party to this action and I served copies of the (specify documents):

- a. ☐ summons ☐ complaint ☐ alias summons ☐ first amended complaint  
☐ second amended complaint  
☐ third amended complaint

☒ other (specify): Summons in a Civil Action ; Complaint; U.S. District Court Northern California ECF Registration Information Handout

2. Person served:

- a. ☒ Defendant (name:) PFIZER, INC.  
 b. ☒ Other (specify name and title or relationship to the party/business named):  
 MARGARET WILSON - REGISTERED AGENT FOR SERVICE OF PROCESS  
 c. ☒ Address where the papers were served: 818 W. 7TH STREET  
 LOS ANGELES, CA 90017

3. Manner of Service in compliance with (the appropriate box must be checked):

- a. ☒ Federal Rules of Civil Procedure  
 b. ☐ California Code of Civil Procedure

4. I served the person named in Item 2:

- a. ☒ By Personal Service. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least twelve (12) years of age.

1. ☒ Papers were served on (date): 08/06/2008 at (time): 02:30 pm

- b. ☐ By Substituted Service. By leaving copies:

1. ☐ (home) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.  
 2. ☐ (business) or a person apparently in charge of the office, or place of business, at least 18 years of age, who was informed of the general nature of the papers.  
 3. ☐ Papers were served on (date): at (time):  
 4. ☐ by mailing (by first-class mail, postage prepaid) copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).  
 5. ☐ papers were mailed on (date):  
 6. ☐ due diligence. I made at least three (3) attempts to personally serve the defendant.

PROOF OF SERVICE - SUMMONS AND COMPLAINT

- c. ☐ **Mail and acknowledgment of service.** By mailing (*by first-class mail or airmail, postage prepaid*) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. (**Attach completed Waiver of Service of summons and Complaint.**)
- d. ☐ **Service on domestic corporation, unincorporated association (including partnership), or public entity.** (F.R.Civ.P. 4(h)) (C.C.P. 416.10) By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. ☐ **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity.** (C.C.P. 415.20 only) By leaving during usual business hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (*by first-class mail, postage prepaid*) copies of the persons at the place where the copies were left in full compliance with C.C.P. 415.20 Substitute service upon the California Secretary of State requires a court order. (**Attach a copy of the order to this Proof of Service.**)
- f. ☐ **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f)
- g. ☐ **Certified or registered mail service.** By mailing to an address outside California (*by first-class mail, postage prepaid, requiring a return receipt*) copies to the person served. (**Attach signed return receipt or other evidence of actual receipt by the person served.**)
- h. ☐ **Other** (specify code section and type of service):

5. Service upon the United States, and Its Agencies, Corporations or Officers.

- a. ☐ by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.

Name of person served:


Title of person served:

Date and time of service: (date): at (time):

- b. ☐ By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. (**Attach signed return receipt or other evidence of actual receipt by the person served.**)
- c. ☐ By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (**Attach signed return receipt or other evidence of actual receipt by the person served.**)

6. At the time of service I was at least 18 years of age and not a party to this action.

7. Person serving (*name, address and telephone number*):

 **De'Andre Johnson**  
**Janney & Janney Attorney Service, Inc.**  
**1545 Wilshire Blvd., Ste. 311**  
**Los Angeles, CA 90017**  
**(213) 628-6338**

a. Fee for service: \$ 25.00

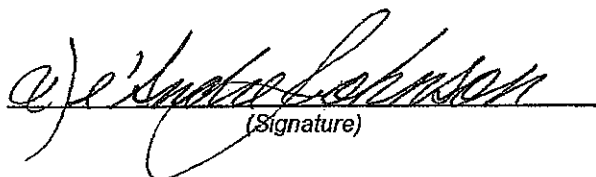
- b. ☐ Not a registered California process server
- c. ☐ Exempt from registration under B&P 22350(b)
- d. ☒ Registered California process server  
 Registration # :140

8. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: August 8, 2008

De'Andre Johnson  
 Type or Print Server's Name

  
 (Signature)

PROOF OF SERVICE - SUMMONS AND COMPLAINT

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**Proof of Service**

I declare under penalty of perjury that I served the summons and complaint in this case on Aug. 6, 2008,  
by:

De'Andrea Johnson - #140

(1) personally delivering a copy of each to the individual at this place, \_\_\_\_\_; or

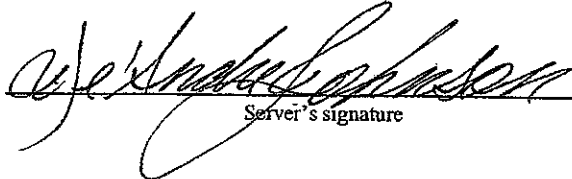
(2) leaving a copy of each at the individual's dwelling or usual place of abode with \_\_\_\_\_  
who resides there and is of suitable age and discretion; or

(3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is  
Margaret Wilson - Registered Agent; or

(4) returning the summons unexecuted to the court clerk on \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

Date: 8-18-08

  
Server's signature